

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Requests for Waiver and Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Pioneer Springs Community School	)	File No. SLD- 181039097
	)	
	)	
Schools and Libraries Universal		
Service Support Mechanism	)	CC Docket No. 02-6

October 29, 2018

**Request for Review and Waiver**

Pioneer Springs Community Charter School  
BEN: 16075709  
Form 471 Number: 181039097  
Funding Request Number: 1899075832  
FCC Registration Number: 0026094300

Pioneer Springs Community Charter School filed for and subsequently received approval for the above captioned FRN for WAN with AT&T, SPIN: 143004824. This request was for annual WAN discounts. This application for WAN services was intended to carry the school through 12 months of service until self-provisioned fiber could be installed and turned on. The self-provisioned fiber application, number 181040582 has been under protracted review has not been approved as of this writing. Pioneer cannot complete the self-provisioned fiber project without E-Rate funding. The Adams County decision is precedent to overturn this decision.<sup>1</sup>

**BACKGROUND:**

At the time of 471 filing, the school had a contract with AT&T that would expire before the fiber could be installed. Based on the language of the contract, the school decided to take advantage of the Month-to-Month (MTM) clause in the contract and continue to use the vendor until the fiber was installed and turned on. However, during the conversations with the vendor, it was determined that MTM costs would be cost prohibitive for the school and a new 12-month contract would be best suited.

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<sup>1</sup> Adams County School District 14, FCC 07-35, Rel. March 28, 2007, CC Docket No. 02-6

Email conversations between the school and the vendor, occurring before the close of the filing window, show an agreement between the two parties on the terms of the contract. The contract was not signed by both parties until a few weeks later. Pioneer mistakenly filed the Form 471 as MTM and not as a contract but the intent was to file as a contract and submit a correction during review.

The school filed a RAL correction to change the contract and monthly costs in the system as soon as they had the signed contract but the RAL was denied based on Administrator opinion that those type of changes were not allowable under RAL rules. The school appealed to the Administrator and the appeal was denied. This appeal comes timely submitted within 60 days of the Administrator decision.

In the Adams County decision, the Commission granted appeals where applicants adhered to state and local procurement regulations, kept Form 470 bidding open for at least 28 days before selecting a vendor but were unable to secure signed contracts for various reasons as is the case here.<sup>2</sup>

#### Conclusion:

Pioneer adhered to all state and local procurement regulations, posted a Form 470 for the required 28 days, selected the most cost-effective response and selected the winning bidder before submitting the Form 471. The circumstances in this case are identical to those of Adams County applicants. There was absolutely no waste, fraud or abuse of program resources.

We are filing this outside of the 60-day deadline, but respectfully request a waiver of that deadline. North Carolina has suffered from not one, but two hurricanes since September 13. In addition, the school is attempting to answer PIA questions for the small fiber build which will replace the AT&T charges entirely. This PIA request has eaten up 22 days and counting. The Commission has longstanding precedent granting filing deadline waivers in cases of E-Rate Coordinator death, deployment, illness and natural disaster. North Carolina suffered a statewide natural disaster with flooding related to hurricanes Florence and Michael preventing timely submission of this appeal.

Alternatively, and in the public interest, Pioneer asks the Commission to waive any minor procedural violation and grant this appeal.

Sincerely,

Erik Giles

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<sup>2</sup> Adams County School District 14 at 9: The record demonstrates that although some Petitioners technically missed the program deadline for having a written contract in place, they were adhering to local or state procurement laws. Others had to have their commitments with service providers approved by their governing boards or their agreements with service providers were contingent upon getting USAC's approval of funding before they could legally enter into the contract.

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North Carolina Department of Public Instruction

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North Carolina Department of Public Instruction